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Attorneys for Defendant
BANK OF AMERICA CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RON SAGER, individually and on behalf of a
class of similarly situated individuals,

Plaintiff,

vs.

BANK OF AMERICA CORPORATION, a
Delaware corporation, SOUNDBITE
COMMUNICATIONS, INC., a Delaware
corporation,

Defendants.

Case No. 5:12-cv-00197-RMW

**STIPULATION AND []
ORDER REGARDING BRIEFING
SCHEDULE FOR DEFENDANT BANK OF
AMERICA CORPORATION'S AND
DEFENDANT SOUNDBITE
COMMUNICATIONS, INC.'S MOTIONS
TO STAY CASE**

CLASS ACTION

Date: September 14, 2012
Time: 9:00 a.m.
Courtroom: 6 (4th Floor)

Complaint Filed: January 11, 2012

The Honorable Ronald M. Whyte

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

Plaintiff Ron Sager ("Plaintiff") and Defendants Bank of America Corporation ("Bank of America") and SoundBite Communications, Inc. ("SoundBite") (Bank of America and SoundBite are collectively, "Defendants"), pursuant to Civil Local Rules 6-1, 6-2, and 7-12, hereby stipulate as follows:

WHEREAS, on June 21, 2012, Defendants filed Motions to Stay this action ("Motions to Stay") pursuant to the doctrine of primary jurisdiction, as issues central to the determination of this action are pending before the Federal Communications Commission ("FCC");

WHEREAS, Plaintiff will oppose the Motions to Stay;

WHEREAS, Defendants will file replies in support of their respective Motions to Stay;

WHEREAS, Local Rule 7-3 provides, in pertinent part, that any opposition to the Motions to Stay must be served and filed not more than fourteen (14) days after the Motions to Stay are served and filed and any reply must be served and filed not more than seven (7) days after the opposition is served and filed,

NOW, THEREFORE, the Parties hereby stipulate and agree to extend Plaintiff's time to file any oppositions to the Motions to Stay to thirty (30) days after the Motions to Stay are filed (which is July 23, 2012) and agree to extend Defendants' time to file any replies in support of their respective Motions to Stay to sixteen (16) days after the respective oppositions to the Motions to Stay are filed (which is August 8, 2012, assuming that Plaintiff files the oppositions on July 23, 2012). Should the Court enter an order denying this stipulation or not enter an order on this stipulation prior to the deadlines for the opposition and reply per Local Rule 7-3, the Parties agree that Plaintiff shall not waive any rights or arguments by waiting to file and serve any opposition to the Motions to Stay until fourteen (14) days after the Court enters an order ruling on this stipulation, and that Defendants shall not waive any rights or arguments by waiting to file and serve any replies in support of the Motions to Stay until seven (7) days after Plaintiff files the respective oppositions.

IT IS SO STIPULATED.

DATED: June 22, 2012

EDELSON MCGUIRE, LLP

By /s/ Sean P. Reis

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

Sean P. Reis
Attorneys for Plaintiff
RON SAGER

DATED: June 22, 2012

COOLEY LLP

By /s/ Mazda K. Antia
Mazda K. Antia
Attorneys for Defendant
SOUNDBITE COMMUNICATIONS, INC.

DATED: June 21, 2012

REED SMITH LLP

By /s/ Janet M. Lee
Abraham J. Colman
Felicia Y. Yu
Michael A. Garabed
Janet M. Lee
Attorneys for Defendant
BANK OF AMERICA CORPORATION

I hereby attest that concurrence in the filing of this stipulation has been obtained from each of the other signatories.

DATED: June 21, 2012

REED SMITH LLP

By /s/ Janet M. Lee
Abraham J. Colman
Felicia Y. Yu
Michael A. Garabed
Janet M. Lee
Attorneys for Defendant
BANK OF AMERICA CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 28, 2012



The Honorable Ronald M. Whyte
U.S. District Court for the Northern District of
California